Calendar No. 731

98TH CONGRESS, 2d Session | SENATE | REPORT 98-371

NOMINATION OF DONALD D. ENGEN TO THE OFFICE OF ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

MARCH 29 (legislative day, MARCH 26), 1984.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2392]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2392) to authorize the President to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

BACKGROUND

The President has chosen Donald Engen to succeed J. Lynn Helms as Administrator of the Federal Aviation Administration (FAA). Section 106 of title 49, United States Codes (formerly the 1958 Federal Aviation Act) requires that the Administrator of the FAA be a civilian. Mr. Engen, as a retired vice admiral, is not a civilian.

LEGISLATIVE HISTORY AND SUMMARY OF THE BILL

S. 2392 was introduced on March 6, 1984, by Senators Kassebaum and Packwood. The bill allows Mr. Engen to serve as FAA Administrator notwithstanding the provisions of section 106 of title 49, United States Code. The exception applies only to Mr. Engen and does not eliminate the civilian requirement for subsequent Administrators.

The bill makes it clear that the provisions of the Dual Compensation Act (5 U.S.C. 5531 et seq.) apply to Mr. Engen. The net result of the application of that act is that Mr. Engen will have his military retirement pay reduced by a formula contained in the act while serving as Administrator. This will entail no change from the current situation applying to Mr. Engen as a member of the National Transportation Safety Board.

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Upon the termination of Mr. Engen's service as Administrator, he will retain all of the benefits of his military retirement.

S. 2392 was approved by the committee on March 27, 1984.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 28, 1984.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2392, a bill to authorize the President to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration, as ordered reported by the Senate Committee on Commerce, Science and Transportation, March 27, 1984. We expect that enactment of this bill would result in no additional public cost at the federal, State, or local levels.

This bill waives the Federal Aviation Act of 1958 (P.L. 85–726), which requires the Federal Aviation Administrator to be a civilian, and allows the President to appoint as Administrator, Donald D. Engen, a retired officer of the United States Navy. The bill further provides that this appointment not affect Mr. Engen's status, rank, or grade as a retired officer and that he continue to receive all rights, privileges, and benefits accorded to such officers. Mr. Engen's salary as Administrator will not be affected by his status as a retired officer. The amount of retired pay he may receive while acting as Administrator, however, is limited by the Dual Compensation Act (P.L. 88–448).

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER,
Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation, as reported.

The bill, as reported, allows Mr. Engen to serve as FAA Administrator. It will have no effect on the number of individuals regulated or on the personal privacy of such persons. No increase in the amount of paperwork will result from enactment of this bill.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that notwithsfanding any other provision of law, Donald Engen may serve as Administrator of the FAA. Such

service would, of course, be subject to the confirmation of Mr. Engen by the Senate. Further, the section provides that Mr. Engen shall retain all features of his military retirement, subject to the provisions of the Dual Compensation Act.

Section 2

Section 2 provides that Mr. Engen, as FAA Administrator, shall not be subject to any additional control by the military as a result of his retired military status.

Section 3

This section states that the bill is not to be construed as approving the continuing appointment of military persons as FAA Administrator.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee states that the bill as reported would make no change to existing law.

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